

MONO COUNTY GRAND JURY

Final Report
2000-2001

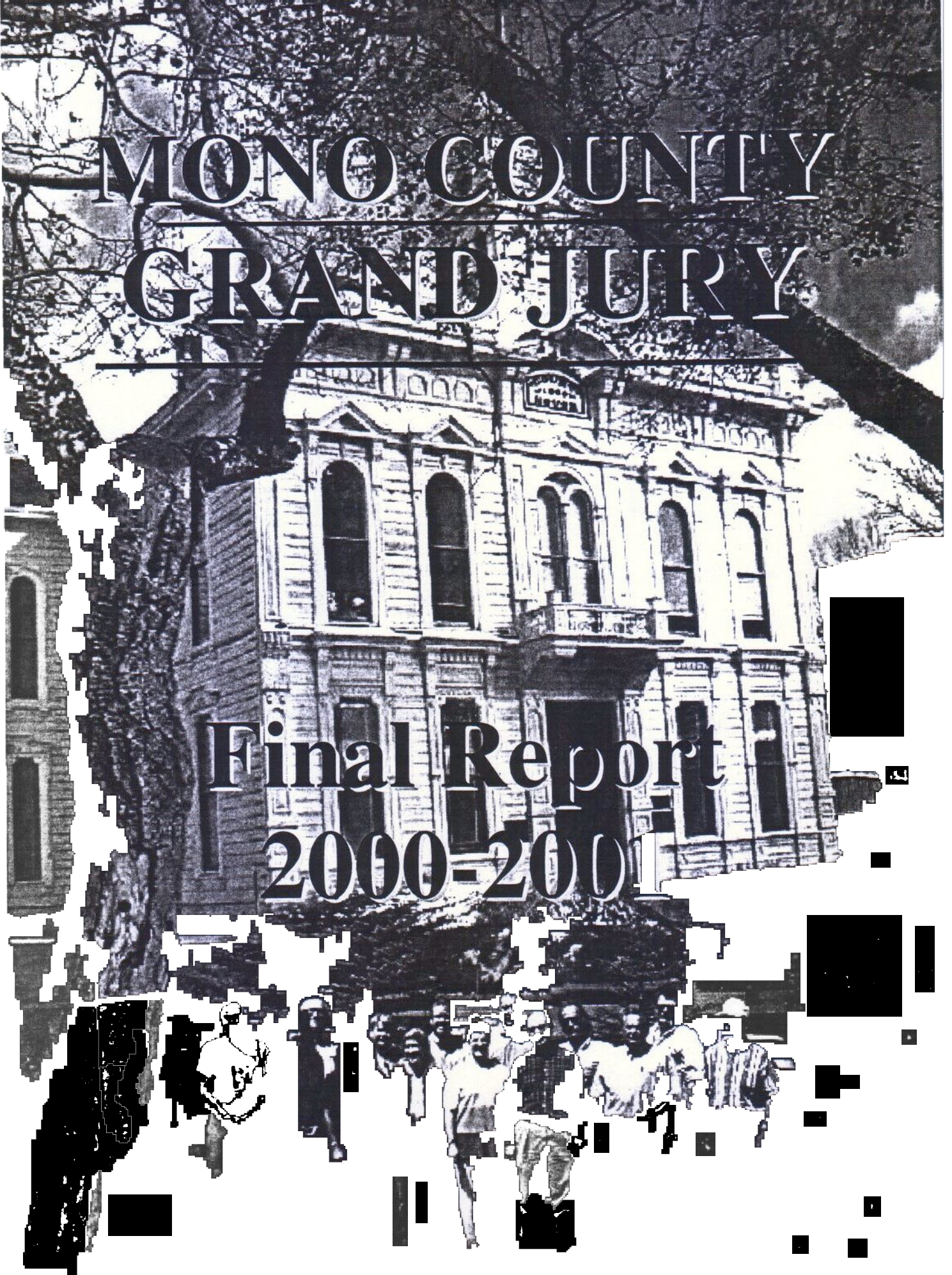


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FINAL REPORT CREDITS

Cover design: Greg Newbry
Cover photo: Rita Sherman
Production: C.D. Ritter

INTRODUCTION

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONO

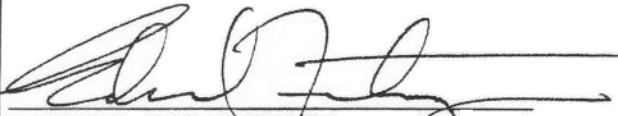
IN RE:

GENERAL ORDER

2000-2001 Grand Jury

I certify that the 2000-2001 Mono County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the County Clerk to accept and file the final report as a public document.

Dated this 17th day of August, 2001.


EDWARD FORSTENZER
Presiding Judge of the Superior Court

**THE GRAND JURY
County of Mono
State of California**

June 30, 2001

The Honorable Edward Forstenzer
Presiding Judge of the
Mono County Superior Court

Dear Judge Forstenzer:

Enclosed is the Final Report of the 2000-01 Mono County Grand Jury.

The members of the current grand jury spent considerable time in reviewing, analyzing and investigating various citizen complaints as well as the overall operations of the various departments of Mono County. The time and energy necessary to conduct proper investigations and reviews can not be overstated. I thank all of the current members of the grand jury for their time, hard work, attention to detail, and dedication to the workings of the grand jury.

In order for the grand jury system to work, it is necessary that citizens be willing to volunteer their time for the betterment of all the citizens of Mono County. I would encourage all citizens of Mono County to consider volunteering for such service.

In reaching the findings and conclusions set forth in the attached Final Report, the grand jury has attempted to be fair, objective and constructive.

The grand jury's mandate could not have been fulfilled without the assistance and cooperation of numerous employees and officials of the various County and Town departments. The grand jury would like to thank these persons for their assistance and cooperation.

The various committee reports included in the Final Report are the result of the work of the committee members listed at the beginning of each report, and reflect the concurrence of the entire grand jury.

I would like to thank District Attorney George Booth, County Counsel Marshall Rudolph, Court Executive Officer Bob Dennis and Judge Edward Forstenzer for their assistance and guidance in the course of our investigations.

I would also like to thank C.D. Ritter for her administrative assistance with respect to the grand jury's operations. Without her, we would have been lost.

On behalf of the grand jury, I would like to say that it has been an educational and eye-opening experience, and an honor to serve the residents of Mono County in this capacity.

Respectfully,

Gregg P. Martino, Foreman
Mono County Grand Jury 2000-01

THE FUNCTIONS OF A CIVIL GRAND JURY

The functions of a civil grand jury (as opposed to a criminal grand jury that issues criminal indictments) are not widely known. The primary function of a civil grand jury is as an investigatory body for the purpose of watching over the numerous county and city governments and various special legislative districts. The purpose of the investigations and reviews is to assure that there is honest, efficient and effective government in the best interests of the citizens of the county. Grand jury duties, powers, responsibilities, qualifications and the selection process are set forth in the California Penal Code Section 888 et seq.

The Mono County Grand Jury reviews and evaluates procedures, methods and systems used by County and Town departments to determine (a) whether such systems, procedures and methods comply with the stated objectives of the departments, and (b) if the departments' operations can be made more efficient and effective. One of the ways that the grand jury conducts its investigations is by responding to complaints received from the citizens of Mono County regarding problems or issues with the various governmental agencies of the county, special districts, or the town of Mammoth Lakes. Thus, for the grand jury to be truly effective, it is necessary for the citizens of the county to become involved.

The members of the grand jury are average citizens from throughout Mono County. The members are selected based upon their willingness to volunteer their time for at least a one-year period beginning each July 1. The grand jury acts lawfully only as a body. No individual grand juror, acting alone, has any power or authority. Meetings of the grand jury are not open to the public, and the members are sworn to secrecy. Law requires all matters discussed before the grand jury and votes taken to be kept confidential until the Final Report.

The end result of inquiries into civil matters by the grand jury is released to the public by means of a Final Report issued at the end of the term of the grand jury. The committee reports contained in the Final Report are prepared by each of the individual committees, and once approved by the particular committee, are then reviewed, edited and ultimately approved by the entire grand jury. Then the Final Report is approved by the presiding judge of the Mono County Superior Court.

GRAND JURY MEMBERS & ADVISORS

JURORS

Tom Christiana
Mammoth Lakes

Charles Evans
Coleville

Gregg Martino
Mammoth Lakes

Tammy Davis
Mammoth Lakes

Olga Glidewell
Chalfant Valley

Orion Ormiston
Coleville

Richard Dawson
Hammil Valley

Lyn Haber
Swall Meadows

Pat Savage
Mammoth Lakes

Keith Dwyer
Mammoth Lakes

Walt Hoffmann
Benton

Tom Strehlow
Mammoth Lakes

Maynard Enos
Bridgeport

Mitch Janoff
Mammoth Lakes

Lynda Thompson
June Lake

RESIGNED JURORS

Bryan Mahony
June Lake

E.L. Maner
Mammoth Lakes

Gerardo Ramos
Mammoth Lakes

Melanie Wagner
Mammoth Lakes

OFFICERS

Foreman
Gregg Martino

Foreman Pro Tem
E.L. Maner

Sergeant-at-Arms
Mitch Janoff

Secretary
Lyn Haber

Assistant Secretary
Olga Glidewell

ADVISORS

Edward Forstenzer
*Presiding Judge of
the Superior Court*

George Booth
District Attorney

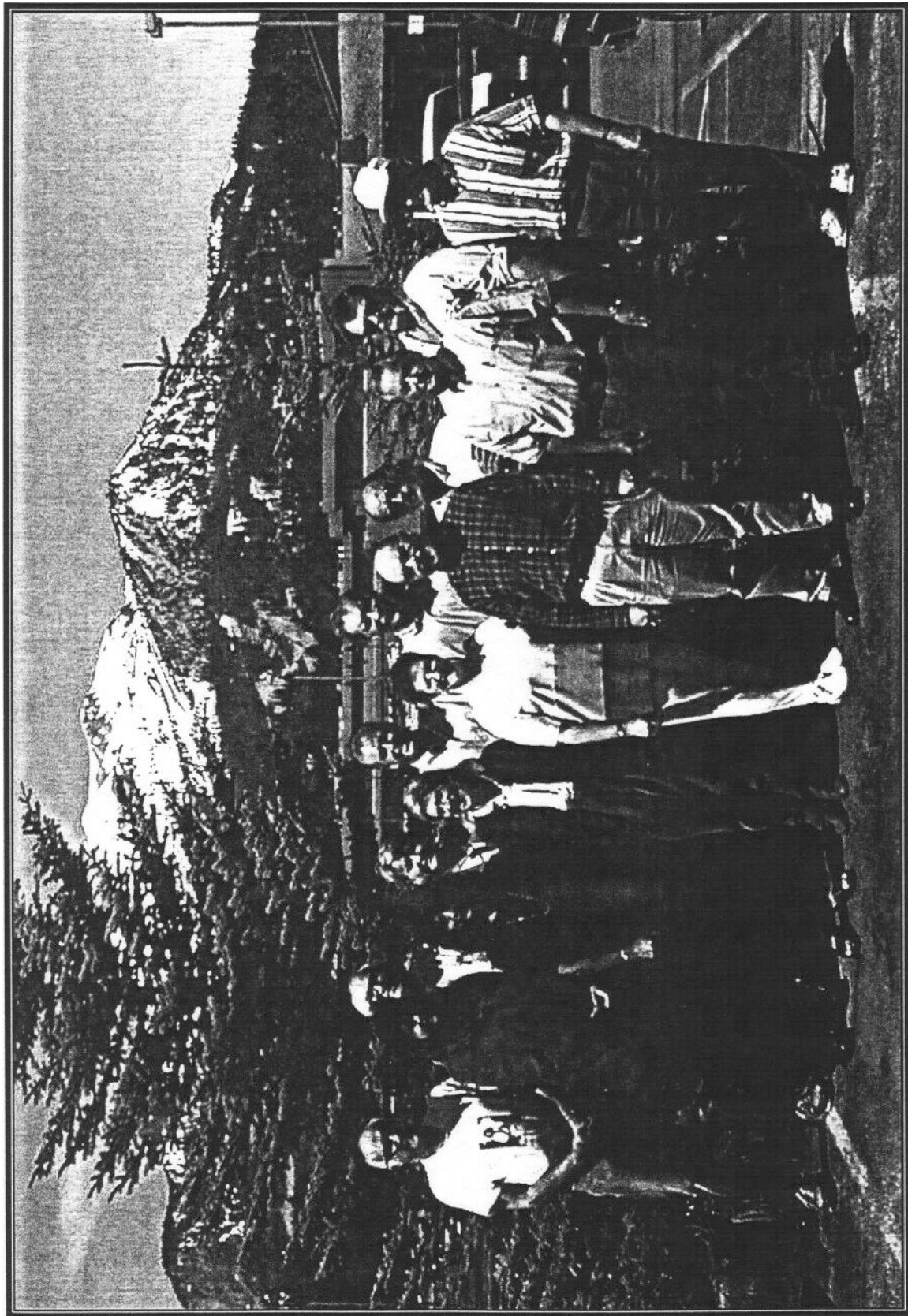
Bob Dennis
Court Executive Officer

Marshall Rudolph
County Counsel

Christiana Darlington
Deputy County Counsel

Stacey Simon
Deputy County Counsel

C.D. Ritter
Administrative Assistant



**The Mono County Grand Jury
2000-2001**

Left to right: Richard Dawson, Tammy Davis, Charles Evans, Olga Glidewell (assistant secretary), Lynda Thompson, Lyn Haber (secretary), Keith Dwyer, Pat Savage, Gregg Martino (foreman), Tom Strehlow, Walt Hoffmann, Maynard Enos, Tom Christiana and Orion Ormiston . *Not pictured:* Mitch Janoff.

GRAND JURY COMMITTEES

ADMINISTRATIVE, AUDIT & FINANCE

Lyn Haber, Chair

Tom Christiana • Olga Glidewell • Pat Savage • Tom Strehlow

BUILDING, PLANNING & ENVIRONMENT

Richard Dawson, Chair

Tom Christiana • Mitch Janoff • Orion Ormiston

EDUCATION

Olga Glidewell, Chair

Mitch Janoff • Lynda Thompson

EXECUTIVE & GRAND JURY HANDBOOK

Tom Strehlow, Chair

Gregg Martino

HEALTH & HUMAN SERVICES

Tammy Davis, Chair

Tom Christiana • Charles Evans • Lyn Haber

LAW & JUSTICE

Maynard Enos, Chair

Tammy Davis • Charles Evans • Walt Hoffmann • Orion Ormiston • Pat Savage

MAMMOTH LAKES, TOWN OF

Tom Strehlow, Chair

Tom Christiana • Tammy Davis • Gregg Martino • Pat Savage

MAMMOTH/YOSEMITE AIRPORT

E.L. Maner, Chair

Tammy Davis • Keith Dwyer • Walt Hoffmann • Gregg Martino

PARKS, RECREATION & PUBLIC WORKS

Richard Dawson, Chair

Lyn Haber • Lynda Thompson

SPECIAL DISTRICTS

Charles Evans, Chair

Lyn Haber • Walt Hoffmann • Orion Ormiston • Pat Savage

CITIZEN COMPLAINTS

An important function of the grand jury is to respond to citizen complaints. Any area resident who has knowledge of deficiencies or improprieties in local government -- Mono County, the Town of Mammoth Lakes, or Special Districts -- can file a formal complaint with the grand jury. If the complaint falls within the purview of the grand jury, an investigation will be initiated by one of its standing committees. Results of all committee investigations are presented to the entire grand jury for concurrence.

To file a legitimate complaint for consideration by the grand jury, submit a dated and signed letter to: Mono County Grand Jury, P.O. Box 1037, Mammoth Lakes, CA 93546.

This year, the grand jury concluded an ongoing investigation from last year's grand jury, and considered 31 new citizen complaints. Of the complaints received, several were determined to require no action; one was deemed beyond the grand jury's jurisdiction; and the others were investigated. Shown below are the complaints received:

#99-02A, #99-02B, #99-03, #99-04:

Ongoing investigation from 1999-2000 grand jury regarding concerns about the relationship between the Town of Mammoth Lakes and the development and operation of the Mammoth/Yosemite airport. Upon conclusion of the investigation, an Interim Report was published.

#00-01:

Complaint regarding alleged failure of County Child Protective Services to properly credit child-support payments. Referred to Administrative/Audit/Finance committee.

#00-02:

Complaint that a Town of Mammoth Lakes employee was not a United States citizen and had not been employed according to applicable laws. Referred to Town of Mammoth Lakes committee.

#00-03:

Verbal allegations to grand jury member that Town of Mammoth Lakes housing elements were improperly modified. No action would be taken unless written specifics regarding purported improper action were provided. None forthcoming, therefore no action taken.

#00-04:

Request by member of Marin County grand jury to look into Mono County's long-term health-care provisions. Referred to Health & Human Services committee.

#00-05:

Complaint of purported collusion between former Mammoth Lakes town manager and former Mammoth Lakes town employee regarding settlement of lawsuit. Referred to District Attorney's office for review and handling.

#00-06:

Second complaint from person filing Complaint #00-01 regarding claims already being dealt with in pending lawsuit in Alpine County. No action taken.

#00-07:

Third complaint from person filing Complaint #00-01 regarding alleged improprieties by County Child Protective Services employees. Referred to Administrative/Audit/Finance committee.

#00-08:

Complaint that Mammoth Lakes Police Department intentionally interfered with Oktoberfest. Investigated by Law and Justice committee and found to have no basis.

#00-09:

Complaint regarding allegations of improper handling of various incidents by the Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-10:

Complaint regarding operations of bottled water plant in Benton. Referred to County Counsel and determined it would be handled by Tri-Valley Groundwater District.

#00-11:

Complaint by former employee of Mono County Sheriff's Department regarding hostile/unpleasant work environment. Referred to Law and Justice committee.

#00-12:

Complaint regarding possible conflict of interest between employee and Southern Mono Healthcare District. Referred to Special Districts committee.

#00-13:

Complaint regarding improper attempt by individuals of Mono County Sheriff's Department to influence sentencing of six-time DUI offender. Referred to Law and Justice committee.

#00-14:

Complaint regarding additional alleged improprieties in the Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-15:

Complaint regarding alleged violation of Mono County General Plan by new hangar construction at Mammoth/Yosemite Airport. Referred to Mammoth/Yosemite Airport committee.

#00-16:

Complaint that there is no systematic evaluation of department heads. Referred to Administrative/Audit/Finance committee.

#00-17:

Complaint regarding purported violations by three different County Child Protective Services departments. Referred to Health & Human Services committee.

#00-18:

Complaint that Mammoth Mountain Ski Area violated various USFS permit requirements. Determined to be beyond the jurisdiction of grand jury. No action taken.

#00-19:

Fourth complaint from person filing Complaint #00-01 regarding similar issues. Referred to Administrative/Audit/Finance committee.

#00-20:

Complaint alleging purported violations of taping telephone conversations over four years ago by current employees of Mono County Sheriff's Department. Referred to District Attorney for review. No action taken.

#00-20A:

Complaint regarding purported improper and hostile working conditions in the Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-21:

Complaint regarding the delay in moving the Benton Transfer Station. Referred to Public Works Department. Matter resolved.

#00-22:

Fifth complaint by person filing Complaint #00-01. Referred to Administrative/Audit/Finance committee.

#00-23:

Complaint that the Mono County Sheriff's Department improperly placed an employee on extended paid administrative leave. Investigated by Law and Justice committee and determined to have no merit.

#00-24:

Complaint from concerned victim alleging improper handling of Peeping Tom complaint by Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-25:

Copy of internal memorandum from Mammoth Lakes Police Department detective to chief regarding incident of purported lack of cooperation by Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-26:

Complaint alleging improper use of County fax machine on County time by employee of District Attorney's office. Referred to District Attorney for further review and handling.

#00-27:

Complaint alleging possible violation of confidentiality laws by member of Eastern Sierra Unified School District in August 2000. Received late in term; referred to next grand jury.

#00-28:

Complaint regarding car listed for sale parked in Mammoth Lakes Police Department parking lot. No action taken.

#00-29:

Complaint contending Mono County Sheriff's Department improperly handled matter and violated his civil rights. Received at end of term; referred to next grand jury.

#00-30:

Complaint regarding the method of handling building permits in Mono County. Received too late; referred to next grand jury.

COMMITTEE REPORTS

ADMINISTRATIVE, AUDIT & FINANCE COMMITTEE

Lyn Haber, Chair

Tom Christiana • Olga Glidewell • Pat Savage • Tom Strehlow

COUNTY OF MONO AUDIT REPORT, SINGLE AUDIT REPORT & MANAGEMENT REPORT

BACKGROUND

An audit review is a mandatory function of the grand jury. This committee conducted reviews of the Mono County Audit Report, Management Report and Single Audit Report for the fiscal year ended June 30, 2000, prepared by Bartig, Basler and Ray, certified public accountants and management consultants.

FINDINGS

1. The auditor found that in all material respects, Mono County has complied with the requirements that are applicable to each of its major federal programs for the year ended June 30, 2000. No matters involving the internal control over compliance and its operation were considered to be material weaknesses.

2. The auditor reviewed the internal control structure, highlighted several problem areas, and included recommendations for corrections that would help to strengthen controls and procedures. The management responses given by the County Administrative Officer to the recommendations appeared to be positive, and apparently a majority of the recommendations will be implemented.

3. Staffing and training in the Auditor-Controller's office remain a problem. The department is unable to attract enough qualified and trained staff in the Bridgeport office.

4. The audit report took too long to complete and was received by the County too late to be used as a helpful tool in planning the coming year.

RECOMMENDATIONS

1. It is strongly recommended that the CAO maintain his personal supervision of all departments so newly implemented procedures are carried out and the departments do not fall back to previous accounting practices.

2. Again, as recommended by the previous grand jury, consideration should be given to splitting or moving the Auditor-Controller office from Bridgeport to Mammoth Lakes to gain access to a larger pool of qualified people in the Mammoth area.

3. A "Personnel Management Officer" should be funded and filled by the County to free the CAO's time and improve personnel relations.
4. The audit should be completed in a timely fashion.

TOWN OF MAMMOTH LAKES, CALIFORNIA COMPREHENSIVE ANNUAL FINANCIAL REPORT

BACKGROUND

In past years, the grand jury directed its attention to audit reports for Mono County only; however, at the recommendation of the 1999-2000 grand jury, the Administrative, Audit and Finance committee also reviewed an audit report for the Town of Mammoth Lakes.

FINDINGS

1. Probably the greatest single defect of the Town of Mammoth Lakes' Comprehensive Annual Financial Report is that Moss, Levy and Hartzheim, the CPA firm performing the audit, took too long to complete it. The Town's fiscal year ended June 30, 2000. While the Sept. 28, 2000, date on the independent auditor's report regarding internal control (p. 41) would seem to imply an earlier completion date, the Comprehensive Annual Financial Report, including the Independent Auditor's Report, was not returned to the Town until March 2001. The tardy production of the fiscal-year-end financial report tends to compromise its utility as a timely review of the Town's performance during the previous fiscal year and as a forecasting tool in the budget process for the fiscal year starting July 1, 2001.

2. While the Town of Mammoth Lakes' Comprehensive Annual Financial Report "is intended for the information of the audit committee, management federal awarding agencies and the State Controller's office," its complexity makes it difficult reading at best for the general public.

3. The Town has filled a number of vacant administrative positions (e.g., town manager, finance director, treasurer) that formerly, albeit temporarily, had been administered by the acting town manager, and thereby has effected more consistent internal controls and more timely reporting.

4. Although most issues of Town financial policy are comprehended in state codes and town ordinances, there is no single written collection of Town policies, financial or otherwise, for ready reference across all departments of Town government.

RECOMMENDATIONS

1. The Town should engage a CPA firm capable of producing its annual financial report in a more timely manner.

2. The Town should look for ways to make its annual financial report and, for that matter, all of its financial reports, including its annual budget, more readily intelligible to the general public.

3. The Town should collect all of its various policies into a single reference for the use of all departments of Town government and the general public.

COMMENDATIONS

The Administrative, Audit and Finance committee extends commendations to the town manager, the town clerk, and the town finance director for their capable assistance.

CITIZEN COMPLAINTS

BACKGROUND

The Administrative, Audit and Finance committee received several letters of complaint (#00-01, #00-07, #00-19, #00-22) from a single individual regarding her dealings with various Mono County agencies and departments.

1. COMPLAINT: Complainant was ordered to pay \$1,655.00 as her portion of attorney costs in Mono County Superior Court Case #11771, and paid the stated amount to the Mono County Superior Court. When she requested documentation showing that the Court had properly credited her payment, she was unable to obtain verification.

FINDING: The committee investigated this issue and found that the Mono County Superior Court paid the attorney a total of \$5,952.50 for his services in Case #11771, and that complainant's payment of \$1,655.00 was received by the Court and properly credited.

2. COMPLAINT: Complainant stated that court order stipulating payments was never issued.

FINDING: The committee contacted the Mono County Superior Court and was informed that the judge decreed an "Order After Hearing," which was prepared by the attorney and signed by the judge.

3. COMPLAINT: Complainant alleged that the Family Support Division of the Mono County District Attorney's office was committing fraud by collecting funds from her, but not from her ex-husband.

FINDING: The committee reviewed the documentation provided by the Family Support Division and agreed with the District Attorney's office in the matter of disbursements and allocations. The committee and the DA believe that both parties were treated in a fair and equitable manner.

4. COMPLAINT: Complainant requested confirmation that her ex-husband was being held accountable for his portion of Court-ordered fees.

FINDING: The payment of Court-ordered fines, fees and reimbursements of

expenses incurred by the Court is determined solely by a judicial officer based on the individual financial circumstances of each payee. The committee verified that complainant's ex-husband was paying his portion of the Court-ordered fees at the rate of \$50 per month. Payments commenced Oct. 1, 2000. Mono County Superior Court records indicated that as of Jan. 30, 2001, his account was current.

5. COMPLAINT: Noting that a staff member of the Mono County District Attorney's office is the brother-in-law of the complainant's ex-husband, complainant stated that she thought the family relationship created a conflict of interest for the DA's office.

FINDING: After investigation, the District Attorney's office did not concur with complainant's perception of a conflict of interest and, therefore, did not assign complainant's application for child support under changed circumstances to another agency. The complainant's application was granted following a meeting Sept. 27, 2000.

6. COMPLAINT: Complainant claimed that Mono County Child Protective Services (and two employees in particular) were guilty of misconduct and sought disciplinary action against them.

FINDING: Having reviewed the particulars of the settlement between complainant and Mono County, the committee judged it would be more constructive to review the policies and procedures of Mono County Child Protective Services with a view toward preventing similar tragedies in the future. The committee conducted extensive interviews with the Director of Social Services for Mono County. The Director of Social Services gave the committee many specific examples of the department's efforts to improve its procedures and the training and supervision of its staff, assuring committee members that the department is indeed making every effort to improve its performance.

CONCLUSION

The Administrative, Audit and Finance committee received complete cooperation and full disclosure from each of the departments and agencies involved: Mono County Superior Court, Family Support Division of the Mono County District Attorney's office, and Mono County Department of Social Services. The committee is confident that complainant's concerns have been addressed and resolved in a fair manner. Additionally, each department and agency is making every possible effort to improve its performance.

BUILDING, PLANNING & ENVIRONMENT COMMITTEE

Richard Dawson, Chair
Tom Christiana • Mitch Janoff • Orion Ormiston

BACKGROUND

The Building, Planning and Environment committee received one letter of complaint, regarding the method of handling building permits, during this term.

FINDINGS

The complaint was received too late in the term.

RECOMMENDATIONS

The complaint will be referred to next grand jury.

EDUCATION COMMITTEE

Olga Glidewell, Chair
Mitch Janoff • Lynda Thompson

BACKGROUND

The Education committee received no formal written complaints during this term. Two verbal complaints were submitted, and the committee decided to make further inquiries.

1. There were concerns voiced by parents early in the 2000-01 school year regarding the location of the continuation school of the Mammoth Unified School District.

2. A parent on the grand jury was unaware of the consequences of removing his child from Mammoth High School for an extended period of time. This action would have an adverse effect on the student's academic standing. The parent further stated he had never received the MUSD policy on criteria for excused and unexcused absences from school.

3. The committee reviewed financial records of the Eastern Sierra Unified School District.

FINDINGS

1. Further investigation revealed that concerns about the continuation school were not based in fact. Rumors that the school is located on the elementary school campus were simply that -- rumors. The continuation school is located on the middle school/high school campus. In addition, knowing that a better facility is needed, MUSD is including the continuation school in its new complex currently under construction on Meridian Boulevard, across from the present facility.

2. The MUSD superintendent's office was contacted and it provided 30 pages of the State of California Education Code. The first page of this document states the following: "Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, board policy and administration regulations" (Education Code 46010,48205,48216). A follow-up was made with MHS Principal Michael Oldham for additional explanation on the MHS specific policy.

Last year the State of California stepped in and changed the policy. Independent study is not allowed for unexcused absences, but at MHS, a teacher has the choice to allow or disallow makeup work: a) Teacher will give the student independent study; 2) If the time period away is going to be too long, or the student is already too far behind, student will be assigned to the Sierra High School, which does not offer honors classes; and c) Some honors class teachers believe that missing seven to 10 days of intense lecture and class participation can not be made up with alternative assignments.

At the beginning of the school year, all high school students are given a handbook and a letter with all school rules and policies. The students and parents are required to sign and return it to school. The participation of the parent and the student in signing the

informational letter and policy at the beginning of the school year should be sufficient in making the parent aware of options. It should be the responsibility of the parent to have direct contact with teachers on their individual policies prior to planning trips out of town.

3. Financial records for the Eastern Sierra Unified School District adequately reflect disbursement of funds in all categories. With some very minor exceptions, all cash handling procedures and financial reporting procedures were followed and complied with state requirements.

RECOMMENDATIONS

No recommendations.

EXECUTIVE/GRAND JURY HANDBOOK COMMITTEE

Tom Strehlow, Chair
Gregg Martino

BACKGROUND

Each year at the time of the impanelment of a new grand jury, incoming jurors receive a Grand Jury Handbook ("Handbook") setting forth the duties, obligations and procedures of operation of a grand jury. During the course of this year, it was discovered that certain changes could be made in the operations of the grand jury so as to make it more efficient, more professional and less likely to review and investigate matters that had already been examined by the previous grand jury.

FINDINGS

1. The procedure as to how to conduct investigations was not clearly set forth in the Handbook.
2. Because past deliberations and operations of grand juries are not passed on to a new grand jury, there is the possibility of overlap in investigations.
3. The economic disclosure obligations of a grand juror were not disclosed or set forth in the Handbook.

RECOMMENDATIONS

1. Section 2 of the Handbook should be revised to suggest that the new grand jury arrange for a visit by the District Attorney at its first meeting to explain the proper procedures for conducting investigations, and the ability to utilize the DA's office in connection with any complicated investigations.
2. The procedures of the grand jury should be changed so that each grand jury pass on to the incoming foreman the minutes of all grand jury meetings, copies of all complaints received by the outgoing grand jury, and copies of all letters sent out by the outgoing grand jury. Moreover, the chair of each grand jury committee should meet with the new chair of that same committee to provide an overview of the investigations, operations and open issues of the outgoing committee. By proceeding as outlined above, there will be more continuity from one grand jury to the next rather than have each grand jury stand alone. The Handbook should be revised accordingly to ensure that this process is implemented.
3. All interviews regarding any investigations must be conducted by at least two members of the grand jury in attendance. It is, however, difficult for jurors to always meet to conduct such investigations and interviews, and, thus, conference calls are necessary. As a result, the grand jury should be provided with a calling card to be used by jurors, and a procedure should be spelled out in the Handbook as to how jurors should keep track of such calls for billing purposes.

4. Each grand juror should be advised at the outset that in order to sit as a member of the grand jury it is necessary for each juror to disclose and file with the County Clerk certain financial and economic information. A copy of the form of disclosure should be included as part of the Handbook.

5. The grand jury conducts investigations for the ultimate purpose of preparing a report to be made public. It is important that the content of any report not be libelous or slanderous, and it is also important that the interviews and investigations be conducted in a fair, truthful and impartial manner so as to avoid potential liability of a grand jury or any juror for libel or slander. As a result, the District Attorney should explain to each new grand jury the potential liability for libel and slander and the fact that the County indemnifies the grand jury and its members from such claims provided certain guidelines are followed. These guidelines should be explained fully to new grand jurors.

CONCLUSION

The nature of the grand jury is such that it is operated by common citizens of the county who have no particular legal background. Yet, the grand jury conducts investigations that are sometimes controversial, complicated and substantial. As a result, there should be more effort given to educating each juror so that the grand jury can conduct its investigations properly, fairly, impartially and within the proper confines of the law. This grand jury believes some of the changes outlined above will assist in such effort, but more needs to be done to educate each juror in the methods and types of issues that the grand jury should investigate.

HEALTH & HUMAN SERVICES COMMITTEE

Tammy Davis, Chair
Tom Christiana • Charles Evans • Lyn Haber

BACKGROUND

The Health and Human Services committee received one letter of suggestion, one letter of complaint, and one verbal complaint during this term:

1. A letter of suggestion (#00-04) was received from a grand juror of another California county regarding elder care in California. The letter alleged a lack of planning for the future increase of the long-term care resident population in California, and recommended a concerted advocacy by California grand juries for a change in the state's Division of Aging policy. The letter cited an approach taken by the state of Oregon, and urged the jury to recommend in its report that California look at the Oregon model.

2. A letter of complaint (#00-17) was received from a Benton resident concerning purported violations of Mono County Child Protective Services and two County CPS agencies in the state of Nevada. The letter itself revealed an ongoing investigation by one of the Nevada counties.

3. A series of verbal complaints received by a juror alleged possible malfeasance in office by a Health and Human Services department head. Though the allegations were serious, no complainant wished to come forward or submit the complaints in writing.

FINDINGS

1. The letter and information (#00-04) regarding the long-term care policy of California was discussed, and it was decided the matter warranted no direct action by this jury. The letter mentioned the passage of AB 452, establishing a Long-term Care Council in the state of California. The "Oregon model" paper was forwarded to Marilyn Berg, Social Services department head.

2. The committee discussed the letter of complaint (#00-17) against the Mono County Child Protective Services, and it was decided that in light of the ongoing investigation, the jury should take no action at this time.

3. The committee discussed the verbal allegations of malfeasance in office by a Health and Human Services department head, and decided that the issues ought to be brought to the attention of the County. Lacking anything but hearsay evidence given to one juror, no official jury action was undertaken. It was decided in a regular jury meeting to draft a letter to the CAO detailing the complaints and suggesting a County response.

4. The committee conducted interviews with Health and Human Services personnel in accordance with PC 928. The following four department heads were interviewed: a) Gil Graham, Employers Training Research Department; b) Tom Wallace, director of the Mono County Mental Health Department; c) Marilyn Berg, director of the Mono County Social Services Department; and d) Jack Bertman, MD, Mono County Health Officer.

5. The overall findings of the committee brought to light some areas of conflict, along with several examples of cooperation between the three main departments that make up Health and Human Services. The conflicts primarily related to funding. The three departments each receive county, state and federal funds for the various programs they administer. The Health Department seems to end up with funding shortfalls that are in part made up by various types of fund transfers of state or federal money out of the other two departments. The jury recognizes that County budget demands necessitate these types of transfers, and is concerned only that the end result of fiscal manipulation does not adversely impact any of the end-users, the citizens for whom the various programs are designed. On the other side, it was noted that the three departments cooperate well on various overlapping programs; e.g., the Children's System of Care.

RECOMMENDATIONS

1. It was learned early in the interview process that the County is committed to joining the three separate departments into a single Health and Human Services department. The jury supports this move by the County, but strongly recommends an administrative professional be sought from the outside to head the combined departments. It is believed that the resulting super-department would be best headed by a person with managerial, budget and audit expertise rather than a professional in any of the various HHS fields.

2. Regarding the Bridgeport Hospital, it is recommended that the County seek a smaller building for the clinic operations. The present facility is under-used by the clinic and the Health Department. Because the older architecture makes the building expensive to heat in winter, it may be more efficient to partition the facility for multi-use by other County agencies. Also, it would help to enclose some of the large open glass walls to reduce heat loss.

3. The salary disparity between similar state and county positions within the three departments is a cause of employee discontent. It is recommended that the County look into ways to bring about a more equitable pay schedule.

4. It is believed that the County could improve the efficiency of department operations by instituting regular outside audits of each department. The combined revenues and expenditures of the three departments is the largest in the county. It makes good fiscal sense to conduct regularly scheduled audits.

5. It is recommended that the County institute a regular evaluation system for all department heads. A regular evaluation can be a constructive tool for leadership, and should include input from all department employees in a way that would ensure their candid contributions.

6. The overall impression is that the Health and Human Services departments are administered by capable people who are professionals in their fields of expertise. There is room for improvement, however, in the cohesion between the separate entities. A look at combining similar programs and tasks within the departments could result in a greater savings to the County.